

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Consolidated Civil Action**

RALEIGH WAKE CITIZENS
ASSOCIATION, et al.

Plaintiffs,

v.

WAKE COUNTY BOARD
OF ELECTIONS,

Defendant.

No. 5:15-cv-156

CALLA WRIGHT, et al.,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA,
et al.,

Defendants.

No. 5:13-cv-607

**CONSENT MOTION FOR AN EXTENSION OF TIME TO FILE
MOTION FOR ATTORNEYS' FEES AND COSTS**

All Plaintiffs in the above-captioned consolidated civil action, by and through counsel, and pursuant to Federal Rule of Civil Procedure 6(b) and Local Civil Rule 6.1, respectfully move this Court for an unopposed extension of time in which to file their motions for attorneys' fees and costs. In support of this Motion, Plaintiffs show the court the following:

1. Plaintiffs' Complaint in *Wright v. North Carolina*, ECF No. 1 at 22, and Plaintiffs' Amended Complaint in *Raleigh Wake Citizens Association v. Wake County Board of*

Elections (“RWCA”), ECF No. 22 at 18, request an award of attorneys’ fees, disbursements, and costs pursuant to 42 U.S.C. § 1988.

2. Plaintiffs are also entitled to recover their taxable costs in this action. 28 U.S.C. § 1920; Local Rule 54.1.

3. Plaintiffs wish to preserve their right to seek attorneys’ fees and costs incurred; but also believe that having additional time to address this issue may permit the parties to reach resolution without court action. Plaintiffs further desire to avoid the needless expenditure of time for the Court and for counsel.

4. Under Federal Rule of Civil Procedure 54(d)(2)(B), the deadline for filing a motion for attorneys’ fees and costs is fourteen days after judgment, and Local Civil Rule 54.1 sets the same deadline for filing a bill of costs.

5. On August 3, 2016, the U.S. Court of Appeals for the Fourth Circuit issued its mandate in this consolidated action. *Raleigh Wake Citizens Ass’n v. Wake Cnty. Bd. of Elections*, No. 16-1270 (L), Doc. No. 51 (4th Cir. July 1, 2016). Thus, both deadlines fall on August 17, 2016.

6. Plaintiffs have until September 8, 2016 to decide whether to appeal from this Court’s August 9 Order on remedy. *See RWCA*, No. 5:15-cv-156, ECF No. 104 (Order); Fed. R. App. P. 4(a)(1)(A). Similarly, Defendant has until October 24, 2016 to decide whether to seek a writ of certiorari with the United States Supreme Court concerning the Fourth Circuit’s July 1 judgment. *See* U.S. Supreme Court Rule 13. During the pendency of any such appellate proceedings, Plaintiffs would continue to accrue costs and fees.

7. In addition, after roughly three years of litigation, including two appeals to the U.S. Court of Appeals for the Fourth Circuit, and because of the post-judgment remedial

proceedings herein which required additional time by counsel that could not be devoted to preparing a fee petition, Plaintiffs need an extension of time in which to prepare the necessary documents associated with a bill of costs and motion for attorneys' fees and costs.

8. Plaintiffs' counsel has consulted with Defendant's counsel, who consents to the additional time requested herein for Plaintiffs to file motions for a bill of costs and for attorneys' fees and costs.

Therefore, Plaintiffs respectfully request that the deadlines for all motions and petitions related to attorneys' fees and costs be extended as follows:

1. Plaintiffs' deadline for filing all documents related to attorneys' fees and costs (taxable and nontaxable) is extended to October 8, 2016, which is thirty days after September 8, 2016, the last day to appeal the August 9, 2016 Order of this court.
2. If either party files or is contemplating a petition for writ of certiorari, a party has leave to file an appropriate motion for a further extension of time in which to file or amend motions related to attorneys' fees and costs until thirty days after the U.S. Supreme Court rules on the petition.

In support of this Motion, in compliance with Local Rule 6.1, Plaintiffs submit the accompanying Proposed Order.

Respectfully submitted this 12th day of August, 2016.

/s/ Allison J. Riggs
Anita S. Earls
N.C. State Bar No. 15597
Allison J. Riggs
N.C. State Bar No. 40028
Southern Coalition for Social Justice
1415 W. Highway 54, Suite 101
Durham, NC 27707

Telephone: 919-323-3380
Facsimile: 919-323-3942
allison@southerncoalition.org

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing **Consent Motion for an Extension of Time to File Motions for Attorneys' Fees and Costs** with the Clerk of Court using the CM/ECF system, which will automatically send an electronic copy to the following attorneys of record:

Charles F. Marshall
Matthew B. Tynan
Jessica Thaller-Moran
BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, LLP
1600 Wells Fargo Capitol Center
150 Fayetteville St.
Raleigh, NC 27601
cmarshall@brookspierce.com

*Counsel for Wake County Board
of Elections*

This the 12th day of August, 2016.

/s/ Allison J. Riggs

Anita S. Earls
N.C. State Bar No. 15597
Allison J. Riggs
N.C. State Bar No. 40028
Southern Coalition for Social Justice
1415 W. Highway 54, Suite 101
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[PROPOSED] ORDER

Upon this Court's thorough review of the Consent Motion to Extend the Deadlines Related to Motions for Attorneys' Fees and Costs, and after full consideration of all matters brought before the Court regarding the Motion, for good cause shown it is hereby ordered that:

1. The Consent Motion is GRANTED.
2. Plaintiffs' deadline for filing all documents related to attorneys' fees and costs (taxable and nontaxable) is extended to October 8, 2016, which is thirty days after September 8, 2016, the last day to appeal the August 9, 2016 Order of this court.

3. If either party files or is contemplating a petition for writ of certiorari, a party has leave to file an appropriate motion for a further extension of time in which to file or amend motions related to attorneys' fees and costs until thirty days after the U.S. Supreme Court rules on the petition.

It is so ordered.

Date

The Hon. James C. Dever III
United States District Judge